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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,140	07/03/2003	Peter D. Rail	LEDS.00108	6823
38851	7590	04/04/2006	EXAMINER	
STEPHEN R. LOE THE LAW OFFICE OF STEPHEN R. LOE P.O. BOX 649 FRISCO, TX 75034			NGUYEN BA, PAUL H	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/613,140	RAIL ET AL.
	Examiner Paul Nguyen-Ba	Art Unit 2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 January 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-47 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6/6/05</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Notice to Applicant***

1. This action is responsive to Applicant's Response to Election/Restriction filed on January 17, 2006.
2. Claims 1-47 are currently pending. Claims 1, 8, 15, 22, 28, 34, and 40 are independent claims.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 1-7 and 22-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

**Regarding claims 1 and 22, the language of the claims raise a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. §101. The method steps are mental steps which do not require the use of hardware to accomplish the steps.**

**Claims 2-7 and 23-27**, are dependent upon claim 1, and do not add any limitations that would render these claims statutory under 35 U.S.C. § 101. Therefore, these claims are likewise rejected.

To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-5, 7-12, 14-19, and 21-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Tripp et al. (“Tripp”), U.S. Patent No. 6,976,053.**

**Regarding independent claim 1:**

*A method for maintaining a centralized index of documents stored in a plurality of independent document repositories (see Title and Abstract), the method comprising:*

- *monitoring a networked computing environment for publish events;*

Tripp teaches monitoring objects stored on a network to detect changes in one or more of the objects (i.e., publish events) (see col. 6 lines 52-67 and col. 7 lines 1-28).

- *responsive to detecting a publish event, relaying a published document's meta data to a document index hub which indexes and categorizes the document's meta data and copying the published document to at least one remote storage device.*

Tripp teaches a method of constructing a searchable index of object references to objects stored on a network including at least one computer storing the index. The other computers on the network store a plurality of objects and are each designated a source site. The method includes running on each source site an agent program that processes the contents and the meta data related to objects stored on the source site, thereby generating meta data describing the object for each object that is processed. The generated meta data is transmitted by the agent program on each source site to at least one cataloging site. The transmitted meta data is then aggregated at the cataloging site (i.e., index) to generate the catalog of object references (see col. 5 lines 46-64 et seq.).

**Independent claims 8 and 15 incorporate substantially similar subject matter as independent claim 1, and are rejected along the same rationale.**

**Regarding claims 2, 9, and 16**, Tripp teaches wherein the metadata comprises channel information (i.e., categorization information) detailing which of a plurality of channels the document is to be copied to where the channel represents at least one of the remote storage devices (see Abstract and col. 10 lines 5-27).

**Regarding claims 3, 10, and 17**, Tripp teaches mapping a document's meta data to a uniform meta data format (see col. 5 lines 46-64 *et seq.*).

**Regarding claims 4, 11, and 18**, Tripp teaches that responsive to a determination that the document does not have meta data, creating meta data and adding the meta data to the document (see col. 7 lines 32-41).

**Regarding claims 5, 12, and 19**, Tripp teaches wherein the document is one of a video document, a graphic document, and an audio document (see col. 7 lines 42-49).

**Regarding claims 7, 14, and 21**, Tripp teaches that responsive to a determination that the document belongs to a group of documents, adding a meta tag indicating that the document belongs to a group of documents and an indication of the identity of the other documents within the group of documents (see Abstract; col. 5 lines 46-64 *et seq.*; col. 7 lines 42-49).

**Regarding independent claim 22:**

- *receiving a document from a contributing data processing system;*

Tripp teaches receiving objects (i.e., documents) from a contributing data processing system (see Abstract and also see col. 5 lines 1-36).

- *mapping meta data contained within the document to standardized meta data in a standardized meta data format; and storing a copy of the document and the standardized meta data in a document index hub.*

Tripp teaches a method of constructing a searchable index of object references to objects stored on a network including at least one computer storing the index. The other computers on the network store a plurality of objects and are each designated a source site. The method includes running on each source site an agent program that processes the contents and the meta data related to objects stored on the source site, thereby generating meta data describing the object for each object that is processed. The generated meta data is transmitted by the agent program on each source site to at least one cataloging site. The transmitted meta data is then aggregated at the cataloging site (i.e., index hub) to generate the catalog of object references (see col. 5 lines 46-64 *et seq.*).

**Independent claims 28 and 34** incorporate substantially similar subject matter as independent claim 22, and are rejected along the same rationale.

**Regarding claims 23, 29, and 35,** Tripp teaches responsive to a determination that meta data within the document implies other standardized meta data, adding the other standardized meta data to the document (i.e., keywords, category, etc.) (see Abstract and Tables 3 and 4).

**Regarding claims 24, 30, and 36,** Tripp teaches receiving a search engine request from a client system (see Abstract), identifying a matching document having content and meta data matching the search criteria, and sending a search result identifying the matching documents (see Background - col. 1 line 21 to col. 4 line 67 → various search engines).

**Regarding claims 25-27, 31-33, 37-39, and 41-43** Tripp teaches a plurality of search engines that incorporate the limitations of said claims including a single entry search result, hyperlinks, a search request embedded in a web page, etc. (see Background - col. 1 line 21 to col. 4 line 67).

**Regarding independent claim 40,** Tripp teaches:

- Receiving meta data and status information for a document (see Abstract; col. 5 lines 1-36; col. 6 lines 52-67; and col. 7 lines 1-28),
- A method of constructing a searchable index of object references to objects stored on a network including at least one computer storing the

index. The other computers on the network store a plurality of objects and are each designated a source site. The method includes running on each source site an agent program that processes the contents and the meta data related to objects stored on the source site, thereby generating meta data describing the object for each object that is processed. The generated meta data is transmitted by the agent program on each source site to at least one cataloging site (*compare with* "translating meta information for the document to a standardized meta information format").

➤ The transmitted meta data is then aggregated at the cataloging site (i.e., index) to generate the catalog of object references (see Abstract; col. 5 lines 46-64 *et seq.*; col. 10 lines 5-27) (*compare with* "indexes and categorizes the document's meta data").

**Regarding claims 44 and 45**, Tripp teaches writing status information to a log file and errors encountered (see col. 18 lines 8-27).

**Claim 46** incorporates substantially similar subject matter as claim 23, and is rejected along the same rationale.

**Claim 47** incorporates substantially similar subject matter as independent claim 22, and is rejected along the same rationale.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 6, 13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tripp et al. ("Tripp"), U.S. Patent No. 6,976,053, in view of Cooney, U.S. Patent Application Publication No. 2002/0107700.**

**Regarding claims 6, 13, and 20,** Tripp teaches a method for creating a computer meta data index corresponding to the contents of networked computers as discussed in independent claim 1 above, but does not explicitly teach *prompting a user to input appropriate meta data.*

However, Cooney teaches prompting a user to input appropriate meta data to a meta-index (see paragraph [0045]). Since both references are from the same field of endeavor, the motivational purpose of a more efficient means for data searching and retrieval by storing information in a meta-index and enabling users to update the information as disclosed by Cooney would have been recognized in the pertinent art of Tripp. It would have been obvious at the time the invention was made to a person

having ordinary skill in the art to modify the teaching of Tripp with the teachings of Cooney to include prompting a user to input appropriate meta data to a meta-index.

***Conclusion***

9. The prior art made of record on form PT0-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (571) 272-4094. The examiner can normally be reached on 11 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PNB



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